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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,340	10/22/2003	James F. Wilcox	21091.NP	6654
7590	09/17/2004		EXAMINER	
David R. McKinney THORPE, NORTH & WESTERN, LLP P.O. Box 1219 Sandy, UT 84091-1219			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,340	WILCOX, JAMES F.	
Examiner	Art Unit		
Tan Le	3632		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 July 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) 2,4-10 and 13-18 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3,11,12,19 and 20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Jan. 26, 04.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

1. This is the first office action for serial number 10/691,340. This application contains 20 claims numbered 1-20.
2. Applicant's election without traverse of the species of Figs. 1-3, claims 1-3, 11-13 and 19-20 in the reply filed on July 26, 2004 is acknowledged.
3. Applicant asserts that independent claims 1, 11 and 19 are generic. Independent claims 1, 11 and 19 can be interpreted as generic. However, claims 2 and 13 are not readable to the species elected. Claims 3 and 13 recite the subject matters, which are not shown in Figs. 1-3.

Currently, claims 1, 3, 11-12 and 19-20 are readable to the species elected. An examination as follows:

4. Claims 2, 4-10 and 13-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.
5. The IDS filed on 1/26/04 has been considered.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 11-12 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,050,531 to Wilcox (of record).

Wilcox discloses a locking device for multiple section telescope tubes (See Figs. 13 and 15 or Figs. 14 and 16) comprising a tube section (1275) having an inside; a smaller tube section (1280) slidably disposed within the tube section; a clamping assembly attached within the smaller tube section, having a locked position and a release position, the clamping assembly including a ramp block (1222), fixedly attached to the smaller tube section, the ramp block having a first ramp surface; a release block (1205) moveably disposed opposite the ramp block, having a second ramp surface opposite the first ramp surface; a cylindrical roller (1210) rollably disposed between the first and the second ramp surfaces, wherein the roller has an eccentric cylindrical cross-section; a release mechanism; and a push rod slidably disposed within the smaller tube.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

6,343,404 to Kuo

6,698,698 to Hsieh

6,409,412 to Huang

5,570,968 to Sasmannshausen et al.

5,184,835 to Huang

4,374,581 to Karapita

The above patents disclose various types of telescopic tube locking devices. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244. The examiner can normally be reached on Mon. through Fri. from 9:00AM- 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tan Le
Patent Examiner
September 3, 2004.